

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 15, 2006. At the time of the Office Action, Claims 1-49 were pending in this Application and Claims 50-68 were withdrawn. The Examiner rejects Claims 1-49. Applicants amend Claims 1, 13, 24, 33, and 49 and cancel Claims 17-18, 29, and 40 without prejudice or disclaimer. Applicants' amendments and cancellations have been done to advance prosecution in this case and not to overcome prior art. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Section 112 Rejections

The Examiner rejects Claims 1-49 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully submit that the subject matter in the claims was described in the specification as originally filed. For example, the subject matter of Claims 1 and 13 may be found on p. 6, ll. 3-16 and p. 7, ll. 5-20. As another example, the subject matter of Claim 49 may be found on p. 7, ll. 21-30. However, for clarification and without narrowing the scope of the claims, Applicants make selected amendments to Claims 1, 13, and 49 as suggested by the Examiner. Accordingly, Applicants respectfully submit that the originally-filed specification describes the subject matter of Claims 1-49, and respectfully request withdrawal of the rejection and reconsideration and allowance of the pending claims.

Section 103 Rejections

The Examiner rejects Claims 1-12 and 48-49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,418,419 issued to Nieboer et al. ("*Nieboer*") in view of U.S. Patent No. 6,243,688 issued to Kalina ("*Kalina*"). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. §706.02(j) (citing *Ex parte Clapp*, 227

U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejections under 35 U.S.C. §103(a).

Applicants respectfully submit that *Nieboer* and *Kalina*, alone or in combination, fail to disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 1. The Examiner admits that *Nieboer* does not explicitly disclose a transactional component that facilitates an economic transaction, “wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity” and a transactional relay component to “associate the economic activity with the customer for determining entitlement of ownership of stocks in the company.” *Office Action*, p. 3. The Examiner instead relies on *Kalina*. Applicants respectfully submit that the Examiner’s reliance on *Kalina* does not help the Examiner’s position. For example, *Kalina* discloses “conversion of any form of merchant or purchase credit award . . . to investment in a mutual fund and/or investment vehicle” *Abstract*. *Kalina* explicitly discloses that “purchase credit awards are exchangeable into investment vehicles.” Col. 2, ll. 14-15. Furthermore, “a purchase award account is established on behalf of the customer,” and when “the credit awards reach[] a predetermined level, an ownership interest in the investment vehicle is then purchased” Col. 2, ll. 30-32. Because *Nieboer* and *Kalina*, alone or in combination, fail to disclose, teach, or suggest, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents. Furthermore, the Examiner does not provide a suggestion, teaching, or motivation in the prior art to combine *Nieboer* and *Kalina*. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

The Examiner also rejects Claims 13-47 under 35 U.S.C. §103(a) as being unpatentable over *Nieboer* in view of *Kalina* and “Basic Financial Management,” by John D. Martin, 5th Edition, Prentice Hall Inc., ISBN 0-13-060807-6 (hereinafter “*Martin*”). Applicants respectfully submit that *Nieboer* in view of *Kalina* and *Martin*, alone or in combination, do not disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 13. For example, the references do not disclose “associat[ing] the economic activity with the individual; and determin[ing], according to a level of the

economic activity, that the individual is entitled to convert a first form of ownership in the company to a second form of ownership.” For at least the reasons discussed with reference to Claim 1, the combination of *Niebor* and *Kalina* do not disclose, teach, or suggest each and every element of Claim 13. The addition of *Martin* to the rejection does not help the Examiner’s position. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 13 and its dependents.

Claims 24 and 33 each recite certain limitations that for reasons substantially similar to those discussed with reference to Claims 1 and 13, the combination of *Nieboer*, *Kalina*, and *Martin* do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 24 and 33 together with their dependents.

Withdrawn Claims

Applicants respectfully submit that the Examiner’s withdrawal of Claims 50-68 is improper. The Examiner states that the “present introduced new claims are directed to providing an ownership in a[n] entity having first and second type of ownership interest.” *Office Action*, p. 11. However, original Claims 13, 20, 21, 24, 31, 32, 33, 38, and 39 also recite having a first and second type of ownership interest in an entity. Accordingly, Applicants respectfully request consideration and allowance of Claim 50-68.

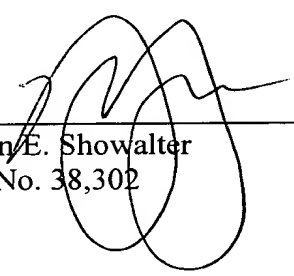
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe no fees are due; however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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Date: May 15, 2006

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